

**Testimony of  
President, William Kindle  
Rosebud Sioux Tribe**

**June 26, 2001**

**I, President William Kindle of the Rosebud Sioux Tribe, am honored to present testimony to the committee on Indian Affairs on the goals and priorities of the member tribes of the Great Plains Tribal Chairman's Association. With this in mind and speaking as the official representative of the Rosebud Sioux Tribe. I present the following goals and priorities:**

- First and foremost in terms of importance is the protection and continued recognition of our Treaties with the United States Government. Treaties with recognized Indian Tribes are specifically part of the United State Constitution and is the initial legal means defining the federal government's responsibility to authorize appropriations and expenditures for the "benefit, care and assistance of Indians." As a member of the Great Plains Tribal Chairman's Association and the Chairman for our Sicangu Nation, I must state that we stand firmly with other members of the Association that our Treaties are recognized under the United States Constitution and therefore are part of this "Supreme Law of the Land." Treaties define our unique relationship with the federal government. Dollars appropriated and distributed for services to Indians must be recognized as a trust responsibility under the Treaties and therefore are not entitlements. Furthermore since it is our position that Treaties are part of the United States Constitution,**

**we, as “Treaty Tribes” strongly object and oppose the continued attempts to erode the federal government’s treaty obligations under the Treaties and to circumvent our sovereign rights provided under the Treaties. A recent example is the U.S. Supreme Court ruling on the Atkinson Trodig Co., Inc. vs. Joe Shiale, Jr. Case in which the high court ruled against tribes’ to tax non-tribal business and residents on recognized tribal jurisdiction. This ruling directly goes against tribal sovereignty, Indian self-determination and Tribes rights to govern.**

- **Based on our position concerning treaty obligations to Indian Tribes, our appropriation needs to adequately address the life needs of our people is seriously Inadequate. The Great Plains Tribal Chairman’s Association represents sixteen (16) Tribes (Flandreau Santee, Cheyenne River, Oglala, Rosebud, Yankton, Sisseton-Wahpeton, Standing Rock, Crow Creek, Lower Brule, Spirit Lake, Santee Sioux of the Great Sioux Nation; Turtle Mountain Band of Chippewa; Omaha Tribe; Winnebago Tribe; Ponca Tribe; and the Three Affiliated Tribes). We currently see a need of \$1.2 Billion to adequately address**

**SOCIAL SERVICES:**

**The FY 2002 Bureau of Indian Affairs President's Budget request identifies a 2.5 million reduction in the Welfare Assistance Program, a program intended to meet certain specified unmet financial needs of eligible tribal members, residing within each Tribe's designated service area. This program includes direct payment to individuals, who qualify according to the requirements set forth by the Bureau of Indian Affairs; custodial care for adults; a portion of the contractual Tribal Work Experience Program (TWEP); Miscellaneous Assistance, i.e., burial and emergency assistance and specific child welfare needs.**

**If passed the reduction will affect the neediest of the neediest, according to the Indian Labor Force Report - 1999 "Unemployment, as a percent of the available labor force, increased by one percent in 1999 to 43 percent from 42 percent, as reported in 1997". Documentation at the local BIA Social Service Agencies will show that a large percentage of that 43 percent as being on the General Assistance Program.**

**Based on the special relationship that exists between the Federal Government and the separate Indian nations, the Bureau of Indian Affairs has a responsibility to provide, when and where needed, social services to children and families. In addition to providing the basic financial assistance, via General Assistance, the Bureau has the responsibility**

**of providing social services for the general welfare of Indian children and youth.**

**The proposed reduction will cause children, currently served by the program and those other children who are in need of social services because of neglect, abuse, abandonment, birth to a single parent, a mental or physical handicap, emotional problems caused by lack of parental capacity or parenting skills or lack of suitable guardianship. Currently the Bureau of Indian Affairs and Tribal Governments (P.L. 93-638 contract) have the custodial responsibility of hundreds of Native American children who are either in foster homes (therapeutic and regular) and residential homes. The cost of care, in most instances, costs upward and beyond \$100.00 per day. Annually anyone BIA Social Service Program will pay approximately \$500,000 for residential treatment of children who are between birth and 18 years of age. In some instances those children who are between the ages of 18-21 who are receiving Child Welfare Assistance in substitute care (foster home residential/institutional care) prior to age 18 are eligible for continued care through the age of 21. Children who are living independent of their parents or guardians because of neglect, abandonment or other circumstances under the supervision of the Bureau of Indian Affairs or Tribal Government (P.L. 93-638 contract), and are still attending high school are eligible to receive assistance to meet their basic needs.**

**Interior Secretary Gale Norton's statement before the Senate Indian Affairs Committee on February 28, 2001, that "no child be left behind" is what will happen if the FY-2002 budget reduction in Welfare Assistance is approved. Indian country is well aware of President Bush's commitment to Education, let's not forget those special need children who must first become healthy both emotionally and physically prior to and while they pursue their education. The Rosebud Sioux Tribe's unmet need in Welfare Assistance grant has been 2.5 million dollars, which includes funding all aspects of Welfare Assistance for the programs on the Rosebud reservation, i.e., General Assistance, Child & Family Services (foster care, residential care) and the ICWA grant line item.**

**The Indian Child Welfare Act Program is grossly inadequate with an annual funding amount set at \$80,000. Current statistics show we have 1,800 cases within our Indian Child Welfare Act Program, each case consisting of estimated 1-10 siblings, depending on the nature of the case. We receive an average of 255 inquiries a month, approximately 50% are determined ineligible. The average notification process for incoming inquiries takes at least 3 to 5 working days to complete. In addition, for children deemed ineligible for**

enrollment, a case may take up to 1 to 2 days.

The Indian Child Welfare Act Program staff consists of two people, an administrative assistant and an ICWA Specialist. In conforming to the statistics, we have determined a need of four additional advocates, a program director or coordinator, and three support staff. Therefore, we are requesting additional funding of no less than \$280,000.

To adequately address the needs of our children currently in the state court systems within the United States, we are in desperate need of this additional funding.

A 1976 study by the Association on American Indian Affairs found that 25 to 35 percent of all Indian children were being placed in out-of-home care. Eighty five percent of these children were being placed in non-Indian homes off the reservation or in institutions.

In response to this overwhelming evidence from Native Communities, the loss of their children meant destruction of Native Culture, Congress passed the Indian Child Welfare Act of 1978.

The Act, designed to protect Native families, thus the integrity of Native Culture, has two primary provisions. First, it sets up requirements and standards for child placing agencies to follow in the placement of Native Children. Many States do not follow this standard and do not know what the Indian Child Welfare Act is. This places an additional burden on the Tribes as they must also educate State Social Service Agencies and State Courts on the Indian Child Welfare Act to insure their children and families are taken care of.

**The Act also provides Tribes with the ability to participate in child custody proceedings, which gives the Tribes the opportunity to intervene or transfer jurisdiction of a child who is a Tribal member. We need to be able to provide this service to our children, who through no fault of their own, are in State Court Systems. In addition, we need to respond to our Indian Child Welfare Cases on a National level in a consistent manner.**

**This increased levels of funding will enable us to respond to every child custody proceeding received by the Rosebud Sioux Tribe. As a Tribe, we need to be able to take care of our children and we cannot do this if adequate resources are not available to us. So often in Indian Country, we are not allocated adequate funding to do the best job we can. Instead, we are allocated resources which are profoundly inadequate then blamed for not providing services in an adequate manner.**

**This Nation saw the need for passage of the Indian Child Welfare Act in 1978. With the passage of this Act comes the responsibility and accountability of Sicangu Lakota Children who are in State Court Systems within the United States.**

#### **EDUCATION:**

**The Rosebud Sioux Tribe has placed a high priority on the education of Tribal students.**

**It is very difficult for the tribe to designate any one education program that is provided by the Bureau of Indian Affairs as their highest priority because all of the programs need sufficient funding in order for the tribe to provide a balance of services for our young people. Our population continues to grow, however, we are held at historical funding levels in the Tribal Priority Allocation, thus we continue to see the gap between actual funding and actual need grow. Of significant impact to our tribe are the figures from the 2001 Census which show that 47% of our on-reservation population is under 18 years of age. We need at least a 100% increase in Higher Education Scholarships and Adult Vocational Training funds to meet the increases in the number of students requiring funding for post-secondary education.**

**School construction is a primary concern of the Rosebud Sioux Tribe. We have four schools which were former BIA Day Schools. In the 1950's the Bureau of Indian Affairs wanted out of the education business, thus an agreement between Todd County Public School District and the Bureau of Indian Affairs were initiated. Todd County School District provides educational delivery services to these former BIA schools; the BIA provides the educational facilities and maintains them. These schools are now dilapidated and overcrowded. They are not part of the BIA school system because the BIA does not fund the schools; but the facilities belong to the Bureau of Indian Affairs. Todd County School District applied for new school construction in the BIA's last round of applications, however, they scored extremely low because there is nowhere in the application process**



that addresses this unique situation. In the meantime, we have over 800 students attending school in facilities that are unsafe and overcrowded. We would like the Bureau of Indian Affairs to construct four new schools on our reservation to take care of their obligation for providing safe educational facilities for our children. We feel this is a treaty obligation of the Federal Government as agreed to in the Great Sioux Nation Treaty of 1868.

We urge the Senate to appropriate funding for our Tribal Education Department, so the department can develop and implement the Tribal Code of Education. It is important that the Tribal Education Department fulfill its responsibility to the Rosebud Sioux Tribe because Code compliance will strengthen tribal sovereignty, preserve, protect and perpetuate the Rosebud Sioux Tribe by providing a framework for culturally appropriate education, ensuring that students reach their potential. Education to tribal children is provided in a manner that is acceptable to the people of the Rosebud Sioux Tribe.

Adequate funding of our tribal college, Sinte Gleska University, our tribal school, St. Francis Indian School, our dormitory, Rosebud Dormitory, are also primary concerns for the Rosebud Sioux Tribe. These institutions are significant to the educational development of our tribal nation and is a high priority for funding.

#### **HEALTH:**

The single most important thing Congress can do for Native American/Alaska Natives, is Re authorization of the Indian Health Care Improvement Act (IHCA), and passing

**appropriations matching the per capita rate paid for Medicaid recipients annually.**

**Additional appropriations to cover the “wrap around” services provided by IHS, is a necessity, if IHS is to improve the current health status on Native Americans.**

**Indian Health Services “Wrap around Services” include the components creating a complete health care delivery system integrating preventive, curative, rehabilitative, environmental services, and access to health care, while incorporating direct outpatient and inpatient facilities, and contracting for the provision of specialty services from the private sector. This approach is comprehensive and includes dental, optometry and pharmacy services, public health nurses, community health representatives, sanitation initiatives, housing quarters for providers in remote areas and ambulance services.**

**The final draft of the IHCA (before any proposed amendments in 1999) was legislation agreed upon by most of tribes who had been working for three years to have the bill include all that we needed, without excesses. The bill as drafted included many issues facing Indian health care today, encompassing, Patient Bill of Rights of Indian People, Current Federal Policy, Inadequate Funding for Indian Health, State/Tribal funding, increasing patient needs. Tribal Contracting/Compacting, IHS Restructuring, Complexity and Disparity in the System, Managed Care, Partnering, Urban Populations, Adherence to the Consultation Policy, Public Health Infrastructure, Psycho Social and Behavioral Health, Tribal Self Determination and Self Governance, Facilities, Health Care and**

**Manpower Issues, Billing, Reimbursement and Financing, Emergency Medical Services, Data and Technology, Long Term Care, Health Care to the Indian People is a prepaid (through loss of land, culture, language, traditions and other atrocious acts against Indians) health care plan, and Congress must move to eliminate disparities through adequate funding. Appropriations for Indian Health Care needs a budget distribution formula, which includes inflation costs, estimated population growth, health disparities by Area.**

**In summary the Rosebud Sioux Tribe's largest immediate health care needs include funding for the ambulance service. We have the highest call volume of trauma in the State of South Dakota, with funding for one half the need. Every year for the last six years it has been a struggle to remain operational and we are now at a point we can no longer "Rob Peter to pay Paul," and increased additional funding for contract health services. The costs of Contract Health Services are directly related to the high call volume seen by our ambulance service.**

**Passage of the Indian Health Care Improvement Act would greatly reduce many of our unmet needs. Admittedly the entire bill is costly initially, but would do much in the long run to improve the health care of this Nation First Citizens making the United States**

of America a creditable world power.

### **ROADS MAINTENANCE:**

**A list of unmet equipment needs for the Roads Maintenance Program. Included justification for each piece of equipment.**

- **Two fully equipped dump trucks with one-way snowplows and sander boxes.**  
**These are needed as our present dump trucks are over 20 years old and over the years the sand has caused the sander boxes to rust out so many times that they are almost beyond repair anymore. Estimated cost: \$100,000.00 each.**
- **One motor grader equipped with a “V” snowplow and a snow wing. This is needed as our present motor grader is very old. Estimated cost: \$150,000.00**
- **Three tri-axle belly dump gravel trailers. These are needed because the trucks we presently have do not meet the required state regulations to travel on the highways off the reservation. Estimated cost: \$37,000.00 each.**
- **One portable screening plant. This is needed so we can screen for gravel . At the present time, we have to borrow equipment from other departments; such As the Todd County Highway Department; and not only is their equipment old and in the past has had several breakdowns, but we can only use their equipment when they aren’t. Estimated cost: \$180,000.00.**
- **One front-end wheel loader. This is needed as the one we presently have is very**

- old and is too small for most needs; meaning we have to borrow from another department when a bigger front-end loader is needed. Estimated cost: \$180,000.00
- One back-hoe. This is needed for cleaning around the bridges in the area. Right now we do not have a back-hoe and once again we have to borrow one from another department when we need one. Estimated cost: \$79,000.00.
  - One skid-steer loader. This is needed where larger loaders and back-hoe can not go; in tight hard to work areas. Estimated cost: \$35,000.00.
  - Personnel: This line item should include at least five more heavy equipment operators, provided we can get the above equipment. This unmet need amount to \$189,612.00.
  - Maintenance: Our FY-2001 budget reflect \$23,628.00 for the maintenance of equipment and roads; but our unmet needs realistically should be doubled at \$47,256.00. Maintenance includes 73.7 miles of paved roads. (See attachment #3)

The total estimated costs for the listed equipment is \$997,868.00.

I am hoping that if not all these needs can be met, at least a portions of them will be as it will greatly improve the quality of road maintenance on the reservation.

#### **TRANSPORTATION PLANNING:**

A list of unmet needs for TEA-21.

- Road Construction: There are 32.6 miles of gravel surface roads (see attachment #4)

**These roads should be paved instead. Using the formula for complete new construction at \$1,000,000.00 per mile; this unmet need totals \$32,600,000.00.**

- **Building:** The current Roads administrative office is over 63 years old. It houses the shop, warehouse and vehicle maintenance area. The building is 50 foot by 100 foot. The other storage building is 28 years old and measures 50 foot by 140 foot, which stores vehicles and equipment. Future space expansion are planned to house administrative office space to include Roads Maintenance Department, TEA-21 Transportation Planning and BIA Engineers. A line item for office space with a Maintenance shop should measure 13,225 sq. ft. @ \$85.00 per sq. foot = \$1,124,125.
- **Shop/Vehicle Inventory:** New basic tools, specialized tools and technical equipment are needed for everyday use and would cost at least \$30,000.00.
- **Sub-stations:** With almost 1,000,000 acres covering the counties of Todd, Tripp, Mellette and Gregory; the 20 communities are vastly scattered. Due to the distance between communities, 3 sub-stations would be justified; each would have the following:

<b>1-heavy equipment operator</b>	<b>\$ 37,923.00</b>
<b>1-front-end loader (leased)</b>	<b>\$ 56,400.00</b>
<b>1-road grader (leased)</b>	<b>\$ 80,000.00</b>
<b>1-skid-steer loader</b>	<b><u>\$ 24,000.00</u></b>
	<b>\$198,723.00</b>

**If three sub-stations were equipped, this line item would total \$596,169.00.**

<b>Totals:</b>	<b>Road Construction</b>	<b>\$ 32,600,000.00</b>
	<b>Building</b>	<b>\$ 1,124,125.00</b>
	<b>Shop/Vehicle Inventory</b>	<b>\$ 30,000.00</b>
	<b>Sub-Stations</b>	<b>\$ 198,723.00</b>

<b>Total Unmet Needs:</b>	<b>\$ 33,952,848.00</b>
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**Attachments: #1 - FY-2001 Roads Maintenance Budget**  
**#2 - FY-2001 Roads Maintenance Inventory**  
**#3 - page 3/item #3**  
**#4 - page 4/item #4**